Case: 1:21-cv-00154
Assigned To : Romero, Cecilia M.
Assign. Date : 11/16/2021
Description: Brown v Newey et al

EXHIBIT-1

FEDERAL COMPLAINT/MOTION/PETITION ATTACHMENT

This form is presented as an attachment to the Complaint included with it. It is provided to unambiguously and concisely establish:

1. The nature of this Complaint.

2. The relationship of the Plaintiff to this proceeding.

3. The citizenship and domicile of the Plaintiff.

4. The rules for establishing fact relating to the response of the opposing party and the ruling of the court on the merits of this Complaint.

5. The specific response requested of the court in dealing with this Complaint.

6. The affirmation or oath applying to the entire contents of the Complaint that is attached.

7. That consent to the jurisdiction of the Court is not provided and may not be "presumed" based on submission of this Complaint. Any presumption to the contrary is a tortious violation of the Constitutional rights of the Plaintiff.

Any evidence in the Defendant's possession which suggests or disputes any fact or legal conclusion contrary to this document or any submission to this court by the Plaintiff is immediately demanded on the record within 30 days of receipt of this notice so that it may be promptly rebutted. Otherwise, the Defendants are estopped from challenging anything in this Submission in any hearing or trial involving the Plaintiff at any time in the future pursuant to Federal Rule of Civil Procedure 8(b)(6). Failure to deny is an admission.

CITIZENSHIP

Constitutional but not statutory "Citizen". "National" but not "citizen" under federal law pursuant to 8 U.S.C. §1101(a)(21). Born in a state of the Union. NOT an:

1. "alien" (per 26 U.S.C. §7701(b)(1)(A))

2. "Individual" (per 26 C.F.R. §1.1441-1(c)(3)).

3. "citizen of the United States" per 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) per Rogers v. Bellei, 401 U.S. 815 (1971).

"Stateless Person" as per Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989). Constitutional diversity of citizenship pursuant to U.S. Const. Art. III. Section 2, but NOT statutory diversity pursuant to 28 U.S.C. §1332.

Rebut the following if you disagree within 30 days or you stipulate it as truth.

DOMICILE

Non Federal areas within the de jure state of the Union: *UTAH.*

NOT part of the "State" defined in 26 U.S.C. §7701(a)(10), 4 U.S.C. §110(d), or 28 U.S.C. §1332(e) or of the "United States".

STATUS OF PARTICIPATION OF PLAINTIFF FOR HEARING OF THIS COMPLAINT

This Complaint and all submissions to this court constitutes a Petition for Redress of Grievances protected and guaranteed under the Petition Clauses of the First Amendment to the United States Constitution. If this matter is being heard by a Magistrate Judge, be advised that pursuant to 28 U.S.C. §636(c), consent of BOTH parties to the action to the jurisdiction of the Magistrate is required, and that Plaintiff does NOT consent to said jurisdiction.

Plaintiff:

1. Reserves all rights without prejudice pursuant to U.C.C. 1-308 and its predecessor, U.C.C. 1-207 in all places and at all times and waive no rights at any time or in any place.

2. Is not acting in a representative or security capacity within these proceedings. Denies being either a "public officer" as described in 26 U.S.C. §7701(a)(26) or "employee" of the United States as described in 5 U.S.C. §2105 and 26 U.S.C. §3401(c). Not in possession of any evidence proving the contrary.

3. Is a "sovereign man" protected by the Foreign Sovereign Immunities Act, 28 U.S.C. Part IV, Chapter 97. As such, the Court and the Defendants are violating due process of law if they do not satisfy the requirements of the Minimum Contacts Doctrine described by the U.S. Supreme Court in *International Shoe Co. v. Washington, 326 U.S. 310 (1945*). A failure or omission by the Court or the Defendants to satisfy the Minimum Contracts Doctrine shall constitute a tacit admission by both that this court is exceeding its jurisdiction, operating in a political rather than legal capacity, and that any rulings beyond that point are VOID. *World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980)* (""A judgment rendered in violation of due process is void in the rendering State and is

not entitled to full faith and credit elsewhere. *Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878).*").

4. Is a "Stateless Person" in relation to the national government as per *Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989). Constitutional* diversity of citizenship pursuant to U.S. Const. Art. III. Section 2, but NOT *statutory* diversity pursuant to 28 U.S.C. §1332.

5. Never knowingly consented to participate in any government franchise and cannot lawfully consent because Plaintiff is not domiciled on federal territory or occupying a public office at the time consent given. Constitutional rights that are "unalienable" cannot be bargained away in relation to the government, and doing so is a breach of the public trust and TREASON. This includes Social Security, Medicare, FICA, unemployment insurance, etc. All presumptions that Plaintiff are engaged in any government franchise or in receipt of any government benefit is a violation of due process of law, does not constitute evidence, and results in involuntary servitude in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1589 and various treaties. This includes Social Security or a "trade or business" (26 U.S.C. §7701(a)(26)), all of which are *only* available to persons domiciled on federal territory pursuant to 20 C.F.R. §422.104 and 26 U.S.C. §911(d)(3), which the Plaintiff are NOT.

6. Any attempt to impute any civil statutory status to the Plaintiff or to enforce any obligations associated with said status shall constitute criminal identity theft, as exhaustively described in: *Government Identity Theft*, Form #05.046, https://sedm.org/Forms/05- MemLaw/GovernmentIdentityTheft.pdf. Failure to rebut the evidence of said crime documented in this document within ten days shall constitute an equitable estoppel against any and all governments.

FACTS AND PRESUMPTIONS ESTABLISHED BY THIS EXHIBIT

The following facts and presumptions shall be, will be, and are conclusively established by attaching this form to the Complaint it accompanies:

1. Plaintiff of this form does not consent to the jurisdiction of any Magistrate pursuant to Fed.R.Civ.Proc. 73(b) and 28 U.S.C. §636(c).

2. That the court and parties construe this document as an ADVANCED PROTEST of any Magistrate Order resulting from this event, pursuant to Fed.Rule.Civ.Proc. 72(a). Basis for the protest is that the Plaintiff do not consent to the order as required by 28 U.S.C. §636 and therefore:

   2.1. The order is MOOT and constitutes a PROPOSAL or SUGGESTION, but not an AGREEMENT of any kind.
   2.2. The proposed order constitutes "political speech" that will and may be disregarded following the proceeding because it does not constitute evidence of an obligation pursuant to Federal Rule of Evidence 610.

2.3. Confers NO RIGHTS upon the government or the Plaintiff.

2.4. The Plaintiff at all times throughout this proceeding RESERVES ALL RIGHTS to themselves, pursuant to U.C.C. 1-208 and its predecessor U.C.C. 1-207 and surrenders none because no appearance has ever or will ever be entered in this proceeding by Plaintiff before this Executive Branch, Article IV tribunal..

2.5. Whoever presides over this case may NOT prejudicially "presume" that rights were surrendered by a failure to object within the 10 days allowed by Fed.Rule.Civ.Proc. 72(a), but rather, should conclude that the proceeding that produced the order was null and void ab initio, and without ANY effect on any of the parties.

3. That if the court or the opposing party abuse Fed.Rule.Civ.Proc. 72 to make a FALSE presumption that the Plaintiff consented to the jurisdiction of the court by failure to object AFTER the errant Magistrate issues his or her unauthorized and MOOT ORDER, then this document shall constitute "reasonable and constructive notice" to the prejudicially presumptuous party that they have engaged in an IMPLIED CONTRACT to substitute themselves as the Plaintiff in this proceeding, and agree to assume all the liabilities and consequences of the litigation that might ensue to the Plaintiff. Any party who tries to abuse Fed.Rule.Civ.Proc. 72 to manufacture presumptions about consent to the court by the Plaintiff deserves to be a victim of the same prejudicial behavior that they are illegally instituting against their opponent. No government can lawfully exercise any delegated authority that their boss, We the People, cannot ALSO have, retain, or use against others. This is a requirement of equal protection of the laws. Equality under the Law is paramount and mandatory by law.

4. That the court and the parties construe that this attachment applies to ALL PAST, PRESENT, AND FUTURE FILINGS in this court, even if not attached. Any later versions of this form attached to future petitions/motions/or responses shall retroactively supersede this form.

5. The Plaintiff is a peaceful man on the land capable of making informed decisions and who can govern his own life without the need for intervention by this Court.

REQUESTS OF THE COURT

Plaintiff petitions for the following of this Court in addition to those things mentioned in the attached Complaint:

1. That this Court provide in its order relating to this matter the statute from the Statutes At Large "expressly conferring" Constitution Article III powers upon this specific Court building AND the judge and every judge hearing this case. If the statute is not so provided, then Article III jurisdiction shall conclusively be presumed to NOT exist based

on the rules of statutory construction, and this Court shall be conclusively established as an Article 4, Section 3, Clause 2 Court that has jurisdiction ONLY over federal territory, franchises, and domiciliaries of federal territory, none of which are at issue in this case.

> *"**Expressio unius est exclusio alterius**. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.** Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.** Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded."*
>
> *[Black's Law Dictionary, Sixth Edition, p. 581]*

2. That the court and the parties construe that this attachment applies to ALL FUTURE FILINGS in this court, even if not attached. Any later versions of this form attached to future petitions/motions and/or responses shall retroactively supersede this form.

3. That the Court and/or the opposing party remain silent on all issues raised in this Complaint which the Court concurs and agrees entirely with. Any facts, affidavits, statements, admissions included in this Complaint which are not EXPRESSLY denied or rebutted in writing by either the Court or the opposing party with supporting evidence and under penalty of perjury shall therefore constitute an Admission to the truthfulness of each statement or conclusion as required by Federal Rule of Civil Procedure Rule 8(b)(6).

4. That the Court or the opposing party to this suit indicate "this matter was already settled or ruled upon" to indicate that it has NOT been ruled upon or settled and that they are EVADING the truth in the case where:

   4.1. They do not indicate the docket, page number, and line number and precise language WHERE the question proposed was precisely answered...OR

   4.2. They do not provide the specific answer requested to the question proposed by the Plaintiff of the Complaint or petition that this document is attached to.

5. That unless otherwise provided by law or the Federal Rules of Civil or Criminal Procedure, this Court has 60 days in which to make a ruling after the filing of the final Complaint/motion by the moving party to make a ruling. Any ruling which is delayed beyond 60 days would be an unreasonable and prejudicial denial of due process and obstruction of justice even if done by omission, in violation of 18 U.S.C. §1509. "Justice delayed is justice denied." (United States v. Hastings, 847 F.2d 920, 923). To otherwise allow the Court to ignore motions without limitation is to leave the moving party without

any remedy at law, which is contrary to the principles of law. This provision is therefore intended to prevent such prejudicial bad faith delay tactics by the Court in the instant matter.

6. That the court affirm its agreement with the facts and conclusions in this Complaint by indicating that it doesn't have an obligation to respond to the issues raised herein or any part thereof. The oath of office of the judge establishes the affirmative fiduciary obligation associated with his/her "public trust" to address these issues and any judge who does not honor his or her oath to support, defend and protect the Constitutional rights of the litigants under his or her care is acting *not* as a "public officer" or "judge", but as a private individual and de facto judge who is usurping public office with the goal of personal gain in violation of 18 U.S.C. §208 and 28 U.S.C. §455. Such a person is an officer of a SHAM TRUST, not a PUBLIC TRUST.

> *"... **the maxim that the King [or the Judge] can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name."***
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> *"This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self- government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say 'L'Etat, c'est moi.' Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? **The doctrine is not to be tolerated**. The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. **It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth**."*
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> *[Poindexter v. Greenhow, 114 U.S. 270; 5 S.Ct. 903 (1885)]*

7. That the court's or the opposing counsel's use of the words "frivolous", "unpersuasive", "meritless", "without merit" or similar terms to describe or identify any issue, fact, or legal argument raised by the Plaintiff that the court regards as truthful, accurate, consistent with prevailing law, and correct on any issue. Plaintiff remind the Recipients and the Court and opposing counsel that the government is the SERVANT of We the People. They are the only "customer" and "sovereign" in this country according to the U.S. Supreme Court, and the customer is ALWAYS right.

> *"Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. **In Europe the sovereignty is generally ascribed to the Prince; here it rests with the***

> ***people**; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, **our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens.**" at 472."*
>
> *[Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L.ed. 454, 457, 471, 472) (1794)]*

8. Permitting, tolerating, or condoning any other approach would constitute allowing the government to create a religion, which we define as any system of belief or opinion that is not or cannot be supported by authoritative admissible evidence. The word "frivolous" is not statutorily defined and therefore there is no evidence upon which to base an inference about what it means. Any use of the word therefore encourages beliefs that cannot be substantiated with evidence and therefore are inadmissible as evidence pursuant to Fed.Rul.Ev. 610. If you as a "public servant" want to tell your "sovereign", which is us, that we are wrong, you must do so using only sources of evidence that the government identifies as credible as documented below and which are verified under penalty of perjury as indicated below. **NO PRESUMPTIONS, OPINIONS, OR EMOTIONS** or slanderous rhetoric, but only facts and evidence signed under penalty of perjury! All presumptions are a violation of due process of law that render a VOID judgment:

9. That the Court cite legislatively foreign case law *not* from the domicile of the Plaintiff (as required by Federal Rule of Civil Procedure 17(b)) or refuse to satisfy the requirements of the Minimum Contacts Doctrine in the case of the Plaintiff if it agrees with the facts, law, and arguments of the Plaintiff on a specific issue. The Plaintiff call this tactic "punting", whereby irrelevant case law is used to disguise or conceal or encrypt a lack of genuine lawful jurisdiction by a court. This tactic has proved a favorite tactic of U.S. and State attorneys who know they lack jurisdiction. The Plaintiff remind this Court that his/her domicile is *not* within any United States Judicial District or any Internal Revenue District and is not located on federal territory, and therefore no case below the U.S. Supreme Court may be cited. In fact, the only remaining Internal Revenue District under Treasury Order 150-02 and confirmed by 26 U.S.C. §7408(d) is the geographical description in Article 1, Section 8, Clause 17 of the Constitution, being that of the District of Columbia. Certainly, federal tax questions are "federal questions" to be handled exclusively by federal courts, but ONLY in the case of franchisees engaged in a "trade or business" who are called "taxpayers" defined under 26 U.S.C. §7701(a)(14), which the Plaintiff declares under penalty of perjury that he is NOT. Subtitle A of the Internal Revenue Code is "private law" that may only be applied to those who voluntarily make themselves subject to it, by entering into federal "public office", which is described in the code as a "trade or business" and defined as a "public office" (see 26 U.S.C. §7701(a)(26)) in the federal corporation defined in 28 U.S.C §3002(15)(A). There is no enacted positive law statute nor federal rule, including Fed.Rule.Civ.Proc. 17(b), which would confer jurisdiction upon this Court to unilaterally change the domicile of the Plaintiff so as to create jurisdiction that does not otherwise lawfully exist.

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."
[Cooper v. Aaron, 358 U.S. 1 (1958)]

". . . the official would not be excused from liability if he failed to observe statutory or constitutional limitations on his powers or if his conduct was a manifestly erroneous application of the statute..."
[Butz v. Economou, 438 U.S. 478 (1978)]

The U.S. Supreme Court and the Court of Complaints are the only courts with the authority to rule on "international matters" such as this involving "nonresident aliens" who are "nontaxpayers", "transient foreigners", and "foreign sovereigns" with *constitutional* diversity of citizenship pursuant to U.S. Constitution Article III, Section 2 but not *statutory* diversity pursuant to 28 U.S.C. §1332(a)(2) such as the case of the Plaintiff. Even the IRS abides by this rule of not citing case law below the U.S. Supreme Court as codified in the Internal Revenue Manual. If they are entitled to have that position, then I'm entitled to equal protection as well:

Internal Revenue Manual (I.R.M.), Section 4.10.7.2.9.8 (05/14/99)

1 "Decisions made at various levels of the court system are considered to be interpretations of tax laws and may be used by either examiners or taxpayers to support a position. 2. Certain court cases lend more weight to a position than others. ***A case decided by the U.S. Supreme Court becomes the law of the land and takes precedence over decisions of lower courts. The Internal Revenue Service must follow Supreme Court decisions. For examiners, Supreme Court decisions have the same weight as the Code. 3. Decisions made by lower courts, such as Tax Court, District Courts, or Complaints Court, are binding on the Service only for the particular taxpayer and the years litigated.*** *Adverse decisions of lower courts do not require the Service to alter its position for other taxpayers."*

10. That the Court cite case law that is inconsistent with the circumstances of the litigant indicated in the previous item or which is derived from below the level of the U.S. Supreme Court as a way to admit or indicate that it is in agreement with the Plaintiff, that it is breaching its fiduciary duty toward the Plaintiff, and that it is involved in a conspiracy against rights against the Plaintiff.

"Fraud in its elementary common law sense of deceit—and this is one of the meanings that fraud bears [483 U.S. 372] in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir.1985)—includes the deliberate concealment of material information in a setting of fiduciary obligation. ***A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. When a judge is busily soliciting loans from counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations."***

[McNally v. United States, 483 U.S. 350 (1987)]

11. That if the Court uses the word "taxpayer" to refer to the Plaintiff, that it shall mean a person *not liable* for any internal revenue tax under Subtitle A of the Internal Revenue Code and the *opposite* of that defined in 26 U.S.C. §7701(a)(14) unless and until it proves *with evidence* and *not presumption* that the Plaintiff is otherwise liable. That means it must produce a statute making him liable and then prove using the Statutes At Large that

the section it is citing is positive law and therefore legally admissible evidence in the context of these proceedings pursuant to 1 U.S.C. §204. All presumption which prejudices constitutionally guaranteed rights is unconstitutional and a tort. Neither does the Declaratory Judgments Act, 28 U.S.C. §2201(a) confer upon this Court the authority to "presume" or declare that the Plaintiff is a "taxpayer" if he or she states under penalty of perjury that he or she is a "nontaxpayer" not subject to the I.R.C.. All such prejudicial presumptions against a natural person protected by the Bill of Rights constitute a tort by the judge and an implied waiver of official and judicial immunity. The foundation of our system of jurisprudence is innocence until proven guilty, which means I am a "nontaxpayer" not subject to the I.R.C. until court admissible evidence and my OWN CONSENT to the I.R.C. Subtitle A franchise agreement/contract makes me a "taxpayer" and therefore a federal "public officer".

> *Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. § 7701(a)(14)." (See Compl. at 2.)* ***This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the*** *Internal* ***Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. § 2201; see also Hughes v. United States, 953 F.2d 531, 536- 537 (9th Cir. 1991)*** *(affirming dismissal of Complaint for declaratory relief under § 2201 where Complaint concerned question of tax liability). Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.*
>
> *[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]*

See and rebut the admissions at the end of the within ten (10) days or forever be estopped from challenging this in the future.

12. That any stare decisis or federal case law the Court cites accurately reflect and be consistent with the status of the Plaintiff as follows and that no case law inconsistent with the below status be cited:

12.1. Not domiciled anywhere within the statutory "United States" as defined in any federal statute, and a "transient foreigner" with either a domicile in a legislatively foreign state or no earthly domicile:

> ***"Transient foreigner****. One who visits the country, without the intention remaining." [Black's Law Dictionary, Sixth Edition, p. 1498]*

12.2. A "nonresident" but not statutory "alien" in relation to the national government.

> *Title 26: Internal Revenue*
>
> *PART 1—INCOME TAXES*
> *nonresident alien individuals*
> *§ 1.872-2 Exclusions from gross income of nonresident alien individuals.*
>
> *(f) Other exclusions.* ***Income which is from sources without [outside] the United States [District of Columbia or federal territory, see 26 U.S.C. §7701(a)(9) and (a)(10)], as determined under the*** *provisions* ***of sections 861 through 863, and the regulations thereunder, is not included in the***

> ***gross income of a nonresident alien individual unless such income is effectively connected for the taxable year with the conduct of a trade or business in the United States by that individual.*** *To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Code. For special rules under a tax convention for determining the sources of income and for excluding, from gross income, income from sources without the United States which is effectively connected with the conduct of a trade or business in the United States, see the applicable tax convention. For determining which income from sources without the United States is effectively connected with the conduct of a trade or business in the United States, see section 864(c)(4) and §1.864–5.*

12.3. A statutory "national" under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B) but not a statutory "citizen" pursuant to 8 U.S.C. §1401. See and rebut the admissions at the end of the following if you disagree within ten days or be estopped from challenging later.

12.4. A "nontaxpayer" not subject to the Internal Revenue Code.

12.5. Not a statutory "taxpayer" as defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.

12.6. No earnings effectively connected with a "trade or business" as defined in 26 U.S.C. §7701(a)(26), and as described in 26 U.S.C. §871(b).

12.7. Not a "public officer", federal agent, federal employee, federal instrumentality, or federal contractor. Did not voluntarily sign a W-4, SS-5, or 1040 form, for instance. See and rebut the following if you disagree within ten days or be estopped from challenging later.

12.8. May not lawfully become the subject of any information return under 26 U.S.C. §6041, because not a public officer engaged in the "trade or business" public officer franchise.

12.9. No earnings originating from the statutory "United States", which is defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia or federal territory and nowhere else expanded in the I.R.C. to include any other place.

12.10. Not the "Individuals" defined in 5 U.S.C. §552a(a)(2) as "citizens" or "residents" domiciled on federal territory called the statutory "United States".

13. Now that this court is aware of information and facts relevant to this matter let it be known that the instigator of any motion that in any way moves to deteriorate or otherwise disparage the Plaintiff of this form is doing so with intent to commit fraud and any filed motions prima facie constitute intent to commit fraud upon this court.

AFFIRMATION APPLYING TO THIS AND ALL OTHER PLEADINGS AND/ OR MOTIONS BY PLAINTIFF IN THIS ACTION:

I declare under penalty of perjury under the laws of the Republic where I temporarily occupy but do not maintain a "domicile" or "residence" and from *without* the "United States" defined in 28 U.S.C. §1603(c), 26 U.S.C. §7408(d), and 26 U.S.C. §7701(a)(9) and (10) and only when litigated under the following conditions that the facts, exhibits, and statements made by in this and the attached Complaint are true, correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. §1746(1).

1. Trial by Jury, in an Article III court, under the rules of common law and in accordance with the seventh amendment to the United States Constitution.

2. *Constitutional* diversity of citizenship under the U.S. Constitution Article III, Section 2 but NOT *statutory* diversity pursuant to 28 U.S.C. §1332(a)(2).

3. No jurist or judge may be a statutory "U.S. citizen" under 8 U.S.C. §1401, a "taxpayer" under 26 U.S.C. §7701(a)(14), or be in receipt of any federal financial or other privilege, benefit, or employment, nor maintain a domicile on federal territory in order to avoid violating 18 U.S.C. §597 and 28 U.S.C. §455. Such persons would NOT be my "peers", but my mortal socialist enemies.

4. The common law of the state of the Union and no federal law or act of Congress or the Internal Revenue Code are the rules of decision, as required Fed.R.Civ.P. Rule 17(b), 28 U.S.C. §1652, and *Erie RR v. Tompkins*, 304 U.S. 64 (1938).

5. Any judge who receives retirement or employment benefits derived from Subtitle A of the I.R.C. recuse himself in judging the law and defer to the jury to judge both the facts and the law, as required under 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.

6. All of the pleadings, exhibits, and statements made, including those about the law, are admitted into evidence and subject to examination by the jury and/or fact finder.

7. None of the pleadings in the case are sealed or unpublished so as to cover up government wrongdoing or otherwise obstruct justice.

8. The Plaintiff is not censored or restricted by the judge in what they can say to the jury during the trial.

9. Plaintiff is treated as a "sovereign man" under the Foreign Sovereign Immunities Act, 28 U.S.C. §1602 through 1611.

10. Plaintiff is not treated as "persons" under 26 U.S.C. §6671(b) or 26 U.S.C. §7343, which is defined as an officer of a corporation or partnership who has a fiduciary duty to the public as a "public officer".

11. Plaintiff is not treated as "individuals", which is defined in 5 U.S.C. §552a(a)(2) as a "U.S. Citizen" under 8 U.S.C. §1401 or permanent residents, who collectively are domiciliaries of the "United States", which is defined as the "District of Columbia" in 26 U.S.C. §7701(a)(9) and (a)(10) and is not extended elsewhere in the code to include states of the Union.

12. If the I.R.C. Subtitle A, which is private law, a "public right", a franchise, and a "statutory privilege" that only applies to those who consent explicitly or implicitly, is cited by the opponent against the Plaintiff, then the opponent must provide *written* proof of informed consent by the Plaintiff to the terms of the private law being cited. This is a fulfillment of the requirement that when jurisdiction is challenged, proof of jurisdiction must appear on the record. Otherwise, the private law must be removed from evidence of a liability or obligation.

    "Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences."
    [Brady v. U.S., 397 U.S. 742 (1970)]

Non-acceptance of this affirmation or refusal to admit all evidence attached to this pleading into the record by the Court shall constitute evidence of duress upon the Plaintiff. This affirmation is an extension of our rights to contract guaranteed under Article 1, Section 10 of the United States Constitution and may not be interfered with by any court of a State of the Union or of the United States.

11/16/21
Date

Plaintiff, *sui juris,* NOT "Pro se or pro per". All rights reserved without prejudice.